

**THE GOVERNMENT PREMISES (EVICTION)
ACT, 1955.**

No. XIX of 1955.

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***THE GOVERNMENT PREMISES (EVICTION) ACT,
1955.**

No. XIX of 1955.

An Act to provide for the eviction of certain persons from Government premises and for certain matters connected therewith.

Preamble.

WHEREAS it is expedient to provide for the eviction of certain persons from Government premises and for certain matters connected therewith:—

BE it enacted in the Sixth Year of Our Republic as follows:—

**Short title,
extent and
commence-
ment.**

1. (1) This Act may be called the Government Premises (Eviction) Act, 1955.

(2) It extends to the whole of the State of Hyderabad and shall come into force at once.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(a) 'appellate authority' means the appellate authority constituted under section 5;

(b) 'competent authority' means a judicial officer not lower in rank than a Munsiff, appointed by the Government, by notification in the Official Gazette to perform the functions of the competent authority under this Act for such area as may be specified in the notification;

(c) 'Government premises' means any premises belonging to, taken on lease, requisitioned, in possession of or under the control of the Government;

(d) 'premises' means any building, part of a building or land and includes—

(i) the garden, grounds and out-houses, if any, appertaining to such building or part of a building, and

(ii) any fittings affixed to such building or part of a building for the more beneficial enjoyment thereof;

(e) 'prescribed' means prescribed by rules made under this Act.

(f) 'unauthorised occupation' in relation to any person authorised to occupy any public premises, includes the continuance in occupation by him of the premises, after the authority under which he was allowed to occupy the premises has been duly determined.

* As published in Gazette Extraordinary No. 150,
Dated 21-11-1955.

3. (1) Notwithstanding anything contained in any law for the time being in force and whether before or after the commencement of this Act if the competent authority is satisfied—

Power to evict certain persons from Government premises.

(a) that the person authorised to occupy any Government premises—

(i) has sub-let, without the permission of the Government or of any other authority competent to permit such sub-letting, the whole or any part of such premises, or

(ii) has otherwise acted in contravention of any of the terms, express or implied, under which he is authorised to occupy such premises or

(iii) has not vacated such premises after the expiry of a period of 30 days specified in the notice served on such person by the competent authority to terminate the lease;

(b) that any person is in unauthorised occupation of any Government premises, the competent authority may, by notice served by post or otherwise, order that person as well as any other person who may be in occupation of the whole or any part of the Government premises, shall vacate them within fifteen days of the date of the service of the notice.

(2) If any person refuses or fails to comply with an order made under sub-section (1), the competent authority may, after giving such person a reasonable opportunity of being heard, evict that person from, and take possession of the Government premises, and may for that purpose use such force as may be necessary.

4. (1) Where any person in authorised occupation of any Government premises is in arrears of rent the competent authority may by notice served on such person by post or otherwise order such person to pay the arrears of rent together with such other amounts as may be due by him under the contract, agreement, lease, indemnity bond, damages or otherwise within such time as may be specified in the notice, which shall not be less than fifteen days.

Power to recover arrears of rent and damages.

(2) Where any person is in unauthorised occupation of the Government premises, the competent authority may in the prescribed manner, assess such damages on account of the use and occupation of the Government

premises as it may deem fit and may, by notice served by post or otherwise as may be prescribed by the rules made in this behalf, order that person to pay the damages within such time as may be specified in the notice, which shall not be less than fifteen days.

(3) If any person refuses or fails to pay the amount specified in sub-section (1) or (2), as the case may be, within the time specified in the notice, the competent authority may, after giving such person a reasonable opportunity of being heard, recover the amount due by him on account of arrears of rent together with such other amounts as may be due by him under the contract, agreement, lease, indemnity bond, damages or otherwise as if it were arrears of land revenue.

Appeal

5. (1) Any person aggrieved by an order of the competent authority under section 3 or section 4 may, within fifteen days of the date of the service of the notice under section 3 or section 4, as the case may be, prefer an appeal to such appellate authority consisting of one or more judicial officers not lower in rank than a District Judge as the Government may, by notification in the official Gazette, constitute in this behalf :

Provided that the appellate authority may entertain the appeal after the expiry of the said period of fifteen days, if it is satisfied that the appellant was prevented by sufficient cause from filing an appeal in time.

(2) On receipt of an appeal under sub-section (1) the appellate authority may, after calling for a report from the competent authority and giving the aggrieved person a reasonable opportunity of being heard and after making such further inquiry, as may be necessary, pass such orders as it thinks fit, which shall be final, subject to the provisions of section 7.

(3) Where an appeal is preferred under sub-section (1) the appellate authority may stay the enforcement of the order of the competent authority for such period and on such conditions as it thinks fit.

Procedure
and power of
competent
authority and
appellate
authority.

6. (1) The competent authority and the appellate authority shall follow such procedure as may be prescribed, and subject thereto, the provisions of the Code of Civil Procedure, 1908 (V of 1908), shall so far as they are not inconsistent with this Act or the rules or orders made thereunder apply to all proceedings before the competent authority and the appellate authority.

(2) In proceedings under this Act, the competent authority shall have the same powers as are vested in a Civil Court when trying a suit, and the appellate authority shall have the same powers as are vested in a Civil Court when hearing an appeal, under the Code of Civil Procedure, 1908 (V of 1908).

(3) The competent authority and the appellate authority shall be deemed to be a Civil Court for the purposes of sections 480 and 482 of the Code of Criminal Procedure, 1898 (V of 1898) and any proceedings before the competent authority and the appellate authority shall be deemed to be a judicial proceedings within the meaning of sections 193 and 228 of the Indian Penal Code, 1860 (XLV of 1860).

7. The High Court may call for the records of any case in which an order has been passed on appeal by the appellate authority and if such appellate authority appears—

(a) to have exercised a jurisdiction not vested in it by law; or

(b) to have failed to exercise a jurisdiction so vested; or

(c) to have acted in the exercise of its jurisdiction illegally or with material irregularity;
the High Court may make such order in the case as it thinks fit.

8. Save as provided in sections 5 and 7, no order made by the competent authority or appellate authority in exercise of any power conferred by or under this Act shall be called in question in any Court and no injunction shall be granted by any Court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Act.

Bar of jurisdiction of Civil Courts.

9. No suit, prosecution or other legal proceedings shall lie against the State Government, appellate authority or the competent authority in respect of anything which is in good faith done or intended to be done in pursuance of this Act or of any rules or orders made thereunder.

Protection of action taken in good faith.

10. Any person who contravenes any provision of this Act or of any rule or order made thereunder or obstructs the lawful exercise of any power conferred by or under this Act shall be punishable with fine which may extend to one thousand rupees.

Penalty.

11. (1) The Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the form of notice under clause (b) of subsection (1) of section 3 and the manner in which it may be served;

(b) the procedure to be followed by the competent authority in proceedings under this Act;

(c) the circumstances in which rent in respect of Government premises may be recovered as an arrear of land revenue;

(d) the manner in which damages for unauthorised occupation may be assessed under section 4 and the matters which may be taken into account in assessing such damages;

(e) the manner in which appeals may be preferred and the procedure to be followed in appeals under section 5;

(f) any other matter which has to be, or may be prescribed.